

IN RE: NUVARING LITIGATION

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION

BERGEN COUNTY

Docket No.: BER-L-3081-09

CIVIL ACTION

**CASE MANAGEMENT ORDER**

**#24**

All previous Orders remain in full force and effect except as modified by this Order.

**FILED**  
**JAN 15 2013**  
**BRIAN R. MARTINOTTI**  
**J.S.C.**

**THIS MATTER** having come before the Court for a Case Management Conference pursuant to the Court's Order, [the Court having reviewed the submissions by Plaintiffs and Defendants], the following Case Management Order is entered:

**I. KEMP MOTION(S)**

The six *Kemp* motions were fully briefed by December 14, 2012. Oral argument will be heard on a date to be set by the Court, after summary judgment has been adjudicated.

**II. SUMMARY JUDGMENT MOTIONS**

[There are nine filed summary judgment motions. *Mariconda*, *Medina*, and *Bozicev* were fully briefed by December 14, 2012.]

1. Oppositions for all other summary judgment motions to be filed by: January 21, 2013
2. Reply briefs for all remaining summary judgment motions: February 21, 2013
3. Oral argument shall be held on March 4 and March 5, 2013, beginning at 10am.

4. Plaintiff's request to adjourn the oral argument of *Bozicev* is DENIED without prejudice.
5. Hearing Procedures:
  - a. The Court will permit the use of PowerPoint and other technology at oral argument on the summary judgment motions. Counsel shall provide a binder of any PowerPoint slides they intend to use and serve it by February 27, 2013.
  - b. Counsel shall meet and confer by February 15, 2013, regarding the order of the cases to be argued and the nature and scope of the technology to be utilized.
  - c. Counsel shall direct any technology questions to Ron Bell  
[ron.bell@judiciary.state.nj.us].

### **III. MOTION TO ENFORCE COURT'S AUGUST 27, 2012, ORDER**

The Court heard oral argument on Defendants Motion to Enforce the Court's Order of August 27, 2012, which directed Plaintiffs to respond to the discovery requests and produce documents regarding Drs. Lidegaard and Rosing. Decision RESERVED.

### **IV. SUPPLEMENTATION OF EXPERTS' REPORTS**

The Court having begun to hear oral argument on Defendants' Motion to Submit Supplemental Expert Reports, which included a request to conduct additional depositions, having encouraged the parties to discuss the issue, the parties having discussed the issue, the following schedule is hereby entered:

1. Counsel shall submit supplemental expert reports simultaneously by February 28, 2013.  
Reports shall be limited to the new data not available at the time the original reports were submitted.

2. Depositions shall be conducted by April 1, 2013, with Plaintiff's experts to be deposed first.

#### **V. TRIAL SELECTION**

The court having reviewed the Parties' submissions for trial selection, order that the cases be tried as follows:

1. *Medina*, BER-L-2680-09
2. *Kippola*, BER-L-2705-09
3. *Barrow*, BER-L-2707-09
4. *Mariconda*, BER-L-2692-09
5. *Ziwange*, BER-L-2829-09
6. *Fields*, BER-L-2793-09
7. *Wilson-Johnson*, BER-L-597-10
8. *Bozicev*, BER-L-2869-09
9. *Namack*, BER-L-2831-09

#### **V. CASE MANAGEMENT**

1. Discovery in Group-II Trial Pool cases
  - a. See attached order (Exhibit A).
2. Counsel shall meet and confer regarding the filing date on *Cain v. Organon*, BER-L-8915-
  12. If an agreement is reached then in that event, counsel shall prepare a case specific order indicated a date of November 26, 2012, which shall be attached to the complaint.

3. Trial Date:

- a. The trial date is set for May 6, 2013.
- b. Motions *in limine* to be filed by April 5, 2013; responses to be filed by April 12, 2013; oral argument to be set by the Court.
- c. Counsel shall meet and confer and submit an agreed upon jury *voir dire* questionnaire two weeks prior to trial; counsel shall also meet and confer regarding jury instructions.

4. Court Filings:

- a. Parties need only submit one hard copy of motions for filing. Courtesy copies to chambers are not necessary. Electronic copies are welcome, but not required. If parties would like a filed copy returned to their office, please send a copy of the motion to be stamped, or alternatively, send the first page of the motion to be stamped.

5. The next Case Management Conference shall be held on February 13, 2013, at 10:30AM, by phone. Counsel shall provide a call-in to the Court.

6. A copy of this Order to be served upon all parties and posted on the Court's website.

  
BRIAN R. MARTINOTTI, J.S.C.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: BERGEN COUNTY

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IN RE: NUVARING® LITIGATION

CASE NO. 284 (MT)

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CIVIL ACTION

**FILED**  
**JAN 15 2013**  
**BRIAN R. MARTINOTTI**  
**J.S.C.**

**AMENDED DISCOVERY PLAN FOR GROUP II SELECTED TRIAL CASES**

Pursuant to the parties' agreement, the Discovery Plan for Group II Selected Trial Cases, entered on February 28, 2012, is hereby amended as follows.

**1. Fact Discovery**

The parties have each selected five (5) cases to be included in Group II as follows:

**A. Plaintiffs' picks:**

Brock, Melissa  
Reed, Nara  
Livingston, Kimberly  
McBride, Jennifer  
Hebner, Shelby

**B. Defendants' picks:**

Flood, Ellen (L-4420-10)  
Fuller, Michelle (L-5666-09)  
Hendrick, Ju'Coby (L-2772-09)  
Takarcheck, Charlotte (L-596-10)  
Grayned, Shakiah (L-2716-09)

All fact discovery, including all depositions, shall be completed by February 28, 2013. This discovery order also applies to the Slivka, Melissa case, Docket No. L-6282-10, which was selected by Defendants to replace the dismissed San Juan case.

**2. Expert witness**

**A.) Plaintiffs' Reports and Depositions**

Plaintiffs must identify all expert witnesses and produce expert reports by April 1, 2013

Depositions of Plaintiffs' Experts shall be completed by June 4, 2013.

**B.) Defendants' Reports and Depositions**

Defendants must identify all expert witnesses and produce expert reports by July 15, 2013.

Depositions of Defendants' experts shall be completed by October 15, 2013.

**3. Dispositive Motions and Kemp Motions Briefing Schedule.**

The deadline for filing dispositive and/or Kemp Motions shall be December 16, 2013.

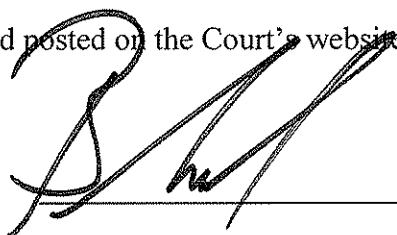
Opposition shall be filed on February 21, 2014. Replies shall be filed on March 16, 2014.

Motion hearings shall take place as the Court shall order.

**4. Trial Date.**

The first Group II trial shall commence in May 2014.

A copy of this order to be served on all parties and posted on the Court's website.

A handwritten signature in black ink, appearing to read 'B. Martinotti', is written over a horizontal line.

**BRIAN R. MARTINOTTI, J.S.C.**